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★ FEB 06 2017 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Tyler Cummins,

Plaintiff,

-against-

CITY OF NEW YORK; Police Officer STEVEN ACEVEDO, Shield No. 16469, Police Officer JAMES BERK, Shield No. 2974, and Sergeant RAJINDER SINGH, Shield No. 4527, JOHN and JANE DOE 1 – 10; individually and in their official capacities,

Defendants.

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STIPULATION AND ORDER OF SETTLEMENT OF ATTORNEY'S FEES, EXPENSES, AND COSTS

15CV0096 (NG) (PK)

WHEREAS, plaintiff Tyler Cummins commenced this action by filing a complaint on or about January 8, 2015, alleging that defendants City of New York, Officer Steven Acevedo, Officer James Berk, and Sergeant Rajinder Singh violated his federal civil and state common law rights; and

WHEREAS, defendant City of New York served plaintiff with an Offer of Judgment pursuant to Fed. R. Civ. P. 68 on May 26, 2016; and

WHEREAS, plaintiff accepted defendant's Rule 68 Offer of Judgment on June 9, 2016; and

WHEREAS, all defendants deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff's counsel represents that plaintiff has assigned all of his rights to attorneys' fees, expenses, and costs to his counsel, Robert Marinelli, Esq. and Afsaan Saleem, Esq.; and

WHEREAS, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York hereby agrees to pay plaintiff's counsel, Robert Marinelli, Esq., the total sum of Twenty Thousand ($20,000.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Twenty Thousand ($20,000.00) Dollars, counsel for plaintiff agrees to release and discharge defendants City of New York, Officer Acevedo, Officer Berk and Sergeant Singh; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Defendant City of New York hereby agrees to pay plaintiff's counsel, Afsaan Saleem, Esq., the total sum of Fifteen Thousand ($15,000.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Fifteen Thousand ($15,000.00) Dollars, counsel for plaintiff agrees to release and discharge defendants City of New York, Officer Acevedo, Officer Berk and Sergeant Singh; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

3. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

5. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsels for plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

ROBERT MARINELLI
Attorney for Plaintiff
305 Broadway, 9th Floor
New York. NY 10007

By: ______________________
Robert Marinelli
Attorney for Plaintiff

The Rameau Law Firm
Attorneys for Plaintiff
16 Court Street, Suite 2504
Brooklyn, NY 11241

By: ______________________
Afsaan Saleem
Attorney for Plaintiff

Dated: New York, New York
Feb. 2, 2017

ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for Defendants City of New York, Acevedo, Berk, and Singh
100 Church Street, 3rd Floor
New York, New York 10007

By: ______________________
Daniel Braun
Senior Counsel

SO ORDERED:

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HON. NINA GERSHON
UNITED STATES DISTRICT JUDGE